

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2293 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

ASSOCIATION OF PUBLIC HEALTH MECHANICAL ASSTT ENGINEER

Versus

GUJ WATER SUPPLY & SWERATGE BOARD

Appearance:

MR YN OZA for Petitioners
MR KH BAXI for Respondent No. 1
MR DHIRENDRA MEHTA for Respondent No. 3
MR JF SHAH for Respondent No. 4

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 10/11/2000

ORAL JUDGEMENT

The Association of Public Health Mechanical
Assistant Engineers through its President, has filed
present petition under Article 226 of the Constitution

and prayed to issue a writ of mandamus or any other appropriate writ or order to quash and set aside the decision of the respondents-authorities to promote Additional Assistant Engineer (Mechanical) to the post of Deputy Executive Engineer (Mechanical). The petitioner has further prayed to direct the respondents to consider the case of the members of the petitioner - Association for promotion to the post of Deputy Executive Engineer in accordance with the ratio of 7 : 4 : 1 as stipulated in Gujarat Water Supply and Sewerage Board Recruitment Rules, 1978.

2. The petition was placed for admission hearing before the learned Single Judge of this Court and the learned Single Judge by an order dated January 21, 1992 had permitted the respondent no.1 to make promotions to the post of Deputy Executive Engineer in the ratio of 7:4:1 from Assistant Engineers, Additional Assistant Engineers and Overseers. It was further directed that the orders of promotion should be served on the respective selected candidates, but the promotion should not be implemented for a period of one week from the date of service of such orders by the authorities.

3. An affidavit-in-reply is filed by the Administrative Officer of the Gujarat Water Supply and Sewerage Board, which is impleaded as respondent no.2 in the petition. In the said reply, it is inter-alia stated that the ratio prescribed by the statutory rules would be followed for making future promotions including promotion of 10/12 posts in question. It is further stated in the said reply that since the Board so far has not considered the case of Additional Assistant Engineers for promotion to the post of Deputy Engineer, the reliefs claimed in the petition should not be granted.

4. Heard the learned counsel for the parties. At the time of hearing of the petition, no grievance is made on behalf of the petitioners that ratio of 7:4:1 contemplated in statutory rules is not followed while effecting promotion to the post of Deputy Executive Engineer. It is also not pointed out to the Court that interim order dated January 21, 1992 is not complied with by the respondents-authorities. Under the circumstances, I am of the view that the petition has become infructuous and deserves to be disposed of accordingly.

For the foregoing reasons, the petition fails. Rule is discharged, with no order as to costs. Interim relief granted earlier is hereby vacated. The petition stands disposed of as having become infructuous. Liberty

is reserved to the petitioners to approach the Court in case of difficulty.

(J.M.Panchal,J.)

(patel)